

COPY

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MAR 07 2006

DEPARTMENT OF
WATER RESOURCES

2006 MAR -2 AM 10:30

JUSTICE CLERK - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No.	37-21172
	)		37-21649, 37-21650
Case No. 39576	)		
	)	NOTICE OF COMPLETED	
_____	)	ADMINISTRATIVE PROCEEDING	

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

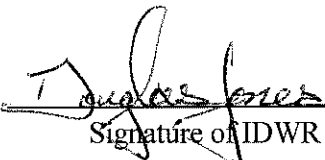
Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

3/2/06



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/2, 2006, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

John Infanger
Debra Infanger
1821 S 1800 E
Gooding ID 83330

Aaron Phelps
Jennifer Phelps
1796 E 1800 S
Gooding ID 83330



Signature of person or attorney mailing the form

2/17/06

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21172

SPLIT RIGHT: SEE RIGHT NOS. 37-21649 and 37-21650.

02/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21649

NAME AND ADDRESS: DEBRA A INFANGER
1821 S 1800 E
GOODING ID 83330

JOHN N INFANGER
1821 S 1800 E
GOODING ID 83330

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.280 CFS

PRIORITY DATE: 04/01/1883

POINT OF

DIVERSION: T06S R15E S3 SWNW Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.280 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S36

SESE 12.00

12 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through the Slough Ditch.

This right is a split from former right 37-21172.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

02/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21650

NAME AND ADDRESS: JENNIFER PHELPS
1796 E 1800 S
GOODING ID 83330

AARON PHELPS
1796 E 1800 S
GOODING ID 83330

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1883

POINT OF

DIVERSION: T06S R15E S3 SWNW Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.040 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S36

SESE

1.40

1.4 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-21172.

Water is delivered through the Slough Ditch.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2006

AARON PHELPS
JENNIFER PHELPS
1796 E 1800 S
GOODING ID 83330

RE: SRBA Claim(s) 37-21172

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: John and Debra Infanger
1821 S 1800 E
Gooding ID 83330

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

OCT 06 2005

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-21172					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**. -

3. Name and Address of Former Owner/Claimant(s) Debra A. Infanger
1821 South 1800 East, Gooding, ID 83330
4. New Owner/Claimant(s) Aaron Phelps
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1796 East 1800 South
- City, State and ZIP Code Gooding, ID 83330
- New Telephone Number () 934-5223
5. Date you acquired the property June 24, 2005

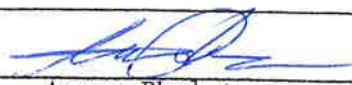
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>2 miners inches</u>	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>2 miners inches</u>	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable) Aaron Phelps

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

WARRANTY DEED

#GG-06395

For Value Received

John N. Infanger and Debra A. Infanger, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

and Jennifer Phelps, husband and wife
Aaron Phelps, a married man as his sole and separate property
Address: 1796 East 1800 South, Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in **Gooding** County, Idaho, to-wit:

**TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO**

Section 36: A parcel of land located in the Southeast Quarter of the Southeast Quarter, more particularly described as follows:

Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 00°13'53" East a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 89°54'06" East a distance of 300.00 feet parallel with the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 00°13'53" West a distance of 661.40 feet along the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to
THE POINT OF BEGINNING.

SUBJECT TO the rights of public roads which affect the Southerly 25.00 feet and the Easterly 25.00 feet thereof.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to two(2) miner inches of water delivered from the Slough Ditch, being split from Water Right No. 37-21172 filed with the State of Idaho, Department of Water Resources.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2005 and subsequent years, taxes are an accruing lien, not yet due or payable.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Individual Easement given by John N. Infanger to Intermountain Gas Company, a Corporation dated March 28, 2003, recorded April 1, 2003 as Instrument Number 199925, Gooding County records, affecting a parcel of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14 East, Boise Meridian, Gooding County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **June 24, 2005**


John N. Infanger


Debra A. Infanger

Instrument # 211713

GOODING, GOODING, IDAHO

2005-06-27

01:09:04 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

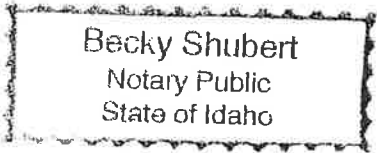
Fee: 6.00



STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 24th day of **June, 2005**, before me, the undersigned, a Notary Public in and for said State, personally appeared **John N. Infanger and Debra A. Infanger**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

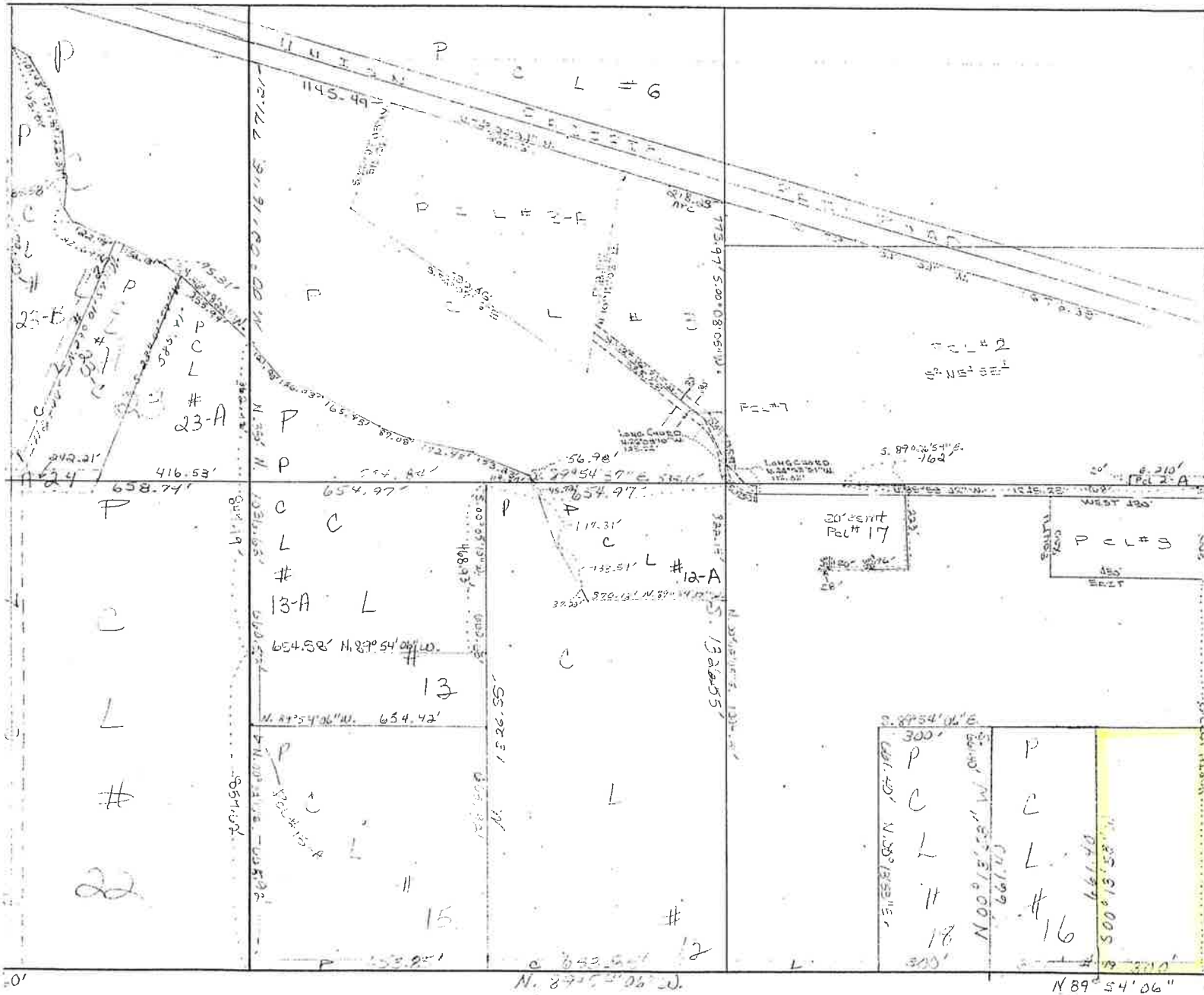
Becky Shubert
Notary Public
Residing at: Gooding ID
My Commission expires: 02-23-2011



SOUTH HALF

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

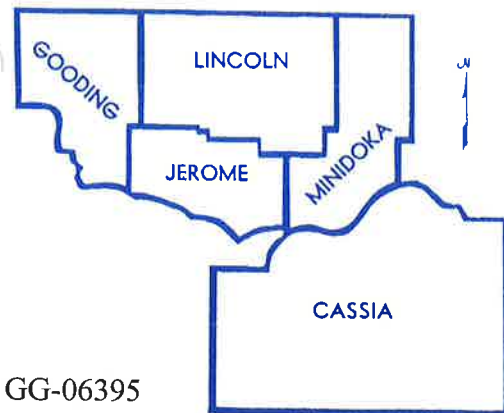
Po



SCALE 1" = 400'

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



October 4, 2005

REFER TO:
OFFICE:

GG-06395
Gooding

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Change of Ownership

Dear Sirs:

Please find enclosed the documents necessary to Split and Change ownership on the above right. I have included the Change of ownership paperwork, copy of the Deed and a plat.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

Title:		Date: 02-16-2006	
Scale: 1 inch = 2000 feet	File:		
Tract 1: 4.555 Acres: 198419 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999; Perimeter = 1923 Feet			
001 = /se,se,se,36,5s,14e	003 = n00,1353e 661.4		
002 = n89,5406w 300	004 = s89,5406e 300		
	005 = s00,1353w 661.4		